

REMARKS

Claims 1-31 are all the claims pending in the application. By this Amendment, claims 22-31 are added. Applicant submits that new claims 22-31 are fully supported in the specification. For example, the width recited in claim 25 is supported in the first full paragraph of page 8 of the original disclosure. For at least the reasons herein, Applicant respectfully requests withdrawal of the rejections and objections, and allowance of the claims.

Claim 21 is objected to for an informality. Applicant submits amended claim 21 to obviate the objection.

Claims 1-28 remain pending in the application. Claims 1-6 and 8-19 remain rejected under 35 U.S.C. § 102(e) as being anticipated by Seino et al. (U.S. Patent No. 6,361,138) ("Seino"). Claim 7 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Seino in view of Faoro (U.S. Patent No. 5,984,461) ("Faoro"). The Examiner has removed the rejection of claims 1-6 and 8-19 under 35 U.S.C. § 103(a) as being unpatentable over Saruta (U.S. Patent No. 6,196,670) in view of Nagoshi et al. (U.S. Patent No. 5,980,021). The Examiner has also removed the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Saruta in view of Nagoshi, as applied to claim 1 above, and further in view of Faoro. Applicant submits the following arguments to traverse the remaining prior art rejections.

Rejection of Claims Under § 102(e)

Claims 1-6 and 8-21 are rejected over Seino. Applicant submits that claim 1 is patentable because Seino fails to teach or suggest in combination with other elements of the claim:

a positioning system located between the ink supply port and the electrodes and is adapted to contact a positioning member of said recording apparatus to maintain the electrodes in contact with respective contacts.

To the contrary, the parts labeled as “protruded portions” and the “projections” in Fig. 4B, by the Examiner, are not located between the ink supply port 41 and the electrodes 44.

In addition, Seino fails to teach or suggest a positioning system contacting the positioning member to maintain the electrodes in contact with respective contacts. Seino is silent with regard to a positioning system, so the Examiner relies on the figures of Seino as inherently teaching the claimed features. However, the figures do not inherently (i.e., necessarily) show the claimed positioning system as alleged by the Examiner.

In Fig. 4B, the “guiding protruding portion” and the “positioning recessed portion” (which are the only “portions” between the ink supply port and the electrodes) do not appear to contact each other to maintain the electrodes in contact with respective contacts. Moreover, there is no description of these features of the ink jet cartridge as being adapted to contact each other in order to position the electrodes relative to the contacts. This is something the Examiner concludes only after having read the instant application, and is clearly an improper use of hindsight, and simply not correct. Thus, the claimed positioning system is not necessarily present in Seino, and the rejection of claim 1 is therefore improper.

Claims 2-6 and 8, which depend from claim 1, are patentable for the reasons discussed above, *inter alia*, for claim 1.

Claims 9-21 are patentable for at least the same reasons mentioned above with respect to claim 1.

Additionally, as to dependent claims 20 and 21, it is not seen how Seino necessarily teaches aligning the electrodes with respective contacts in at least two directions of a carriage

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 10/025,821

moving direction, a paper feeding direction, and a vertical direction. The reference is silent regarding alignment in two out of three directions, and as pointed out above, the “positioning recessed portion” and the “guiding protruding portion “ are not even shown as contacting each other.

Rejection of Claims Under § 103(b)

Claim 7 is rejected over Seino in view of Faoro. However, Faoro clearly fails to make up for the deficiencies of Seino with respect to claim 1. In fact, the Examiner does not rely on Faoro as to the features in claim 1.

New Claims

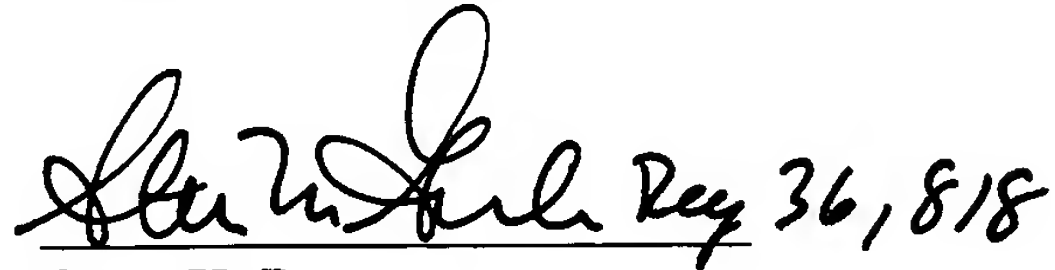
Claims 22-24 recite the location of the positioning system in more detail, as shown in the drawing figures. Claim 25 recites the relative widths of the opening of the recess and the protrusion. Seino is silent in this regard, and the drawings do not teach this feature. Claims 26-31 recite the disposition of a circuit board with respect to a centerline of the ink jet cartridge, as shown in Figs. 10, 13, 15A, and 15B.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 10/025,821

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grant K. Rowan", with the number "36,818" written to the right of the signature.

Grant K. Rowan

for Registration No. 41,278

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 30, 2003